

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

CAT AND DOGMA, LLC,

Plaintiff,

- against -

TARGET CORPORATION

Defendant.

Docket No. 1:19-cv-1002

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Cat and Dogma, LLC (“Cat and Dogma” or “Plaintiff”) by and through its undersigned counsel, as and for its Complaint against Defendant Target Corporation (“Target” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a “I Love You” copyrighted design, owned and registered by Cat and Dogma, a children’s clothing company. Accordingly, Cat and Dogma seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Upon information and belief, this Court has personal jurisdiction over Defendant because Defendant resides and/or transacts business in Texas and is registered with the Texas Department of State Division of Corporations.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Cat and Dogma is a children's clothing company having a usual place of business at 2111 Toulouse Drive, Austin, Texas 78748.

6. Upon information and belief, Target is a foreign business corporation duly with a place of business at 5621 N. Interstate Hwy 35, Austin, Texas 78723. Upon information and belief, Target is registered with the Texas State Department of Corporations to do business in Texas. At all times material hereto, Target has owned and operated a website at the URL: www.Target.com (the "Website").

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Design

7. In 2015, Cat and Dogma created an "I Love You" Design (the "Design"). A true and correct copy of the Design is attached hereto as Exhibit A.

8. Cat and Dogma has at all times been the sole owner of all right, title and interest in and to the Design, including the copyright thereto.

9. The Design was registered with United States Copyright Office and was given Copyright Registration Number VA 2-172-249.

B. Defendant's Infringing Activities

10. In 2017, Defendant copied the Design and put it on their own line of baby products and clothing and started selling the clothing on the Website. See: <https://www.target.com/p/baby-3pk-llama-love-zip-sleep-n-play-pajama-set-cloud-island/-/A-54570343?preselect=54508660#lnk=sameta>, <https://www.target.com/p/baby-4pk-long-sleeve-llama-love-bodysuit-cloud-island-153/-/A-54578161?preselect=54499736#lnk=sameta>, <https://www.target.com/p/baby-4pk-short-sleeve-llama-love-bodysuit-cloud-island-153/-/A-54570353?preselect=54499189#lnk=sameta>, <https://www.target.com/p/baby-2pk-llama-love-gown-pajama-set-cloud-island/-/A-54570326?preselect=54513505#lnk=sameta>, <https://www.target.com/p/baby-2pk-llama-love-nightgowns-pajama-set-cloud-island-8482-preemie/-/A-54493697>, <https://www.target.com/p/plush-velboa-baby-blanket-i-love-you-cloud-island-8482-white-black/-/A-76165692>, <https://www.target.com/p/muslin-swaddle-blanket-i-love-you-cloud-island-8482-white/-/A-76422496>, <https://www.target.com/p/muslin-swaddle-blanket-i-love-you-3pk-cloud-island-8482-black-white/-/A-76167160>, <https://www.target.com/p/fitted-crib-sheet-i-love-you-cloud-island-8482-white-black/-/A-76165677>. See Exhibit B.

11. Target did not license the Design from Plaintiff, nor did Target have Plaintiff's permission or consent to use the Design on its products and clothing.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)
(17 U.S.C. §§ 106, 501)

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Target infringed Plaintiff's copyright in the Design by reproducing and publicly displaying the Design on its clothing and products. Target is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Design.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Target have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Target be adjudged to have infringed upon Plaintiff's copyrights in the Design in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Design;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded punitive damages for copyright infringement;
5. That Plaintiff be awarded attorney's fees and costs;
6. That Plaintiff be awarded pre-judgment interest; and

7. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
October 15, 2019

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